

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENRIQUE LEAL-MOLINA,

Defendant.

CASE NO. CR06-0425 MJP

DETENTION ORDER

Offense charged:

Count II - Conspiracy to Distribute Heroin (100 grams or more)

Date of Detention Hearing: December 4, 2006

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The return of the Indictment establishes probable cause to believe defendant committed the offense charged in Count II.. Given the nature of that charge, there is a rebuttable presumption favoring detention.
- (2) Defendant is reportedly not a citizen of the United States.
- (3) The United States alleges that his presences in this country is illegal. There is an immigration detainer pending against him. The issue of detention in this case is therefore essentially moot.
- (4) Defendant and his counsel waived a full hearing on the issue of detention, and offered nothing in opposition to the entry of an order of detention.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

1 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
2 for the defendant, to the United States Marshal, and to the United States Pretrial
3 Services Officer.

4 DATED this 5th day of December, 2006.

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6 /s/John L. Weinberg
JOHN L. WEINBERG
United States Magistrate Judge
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